

## WILL RAILROADS OBEY MANDATE OF THE COMMISSION

Means Thousands to Western Stock Growers.

### NOTES OF NEW MEXICO AND ARIZONA CATTLEMEN

Will the railroads, particularly in the west, comply with the order of the inter-state commerce commission rendered Wednesday to reduce the terminal charges of \$2 a car on stock delivered at the Chicago Union stock yards? They have thirty days in which to comply. Obeyance to the order means a half million dollars a year to stockmen in the west, and for that reason they are greatly interested in the outcome. Should the roads fail to obey, then the matter must again be taken to the federal court for adjudication.

Secretary T. W. Tomlinson of the American Stock Growers' association, with headquarters in Denver, was the one through whom this suit was instituted back in 1896. He was then traffic secretary of the Chicago Live Stock exchange. Mr. Tomlinson has watched the case ever since he brought it, nearly ten years ago. Backed by the stockmen of the west particularly, he has waged the fight against the railroads in the matter vigorously. In view of the fact that is now being made, especially by the stockmen of the country for the Roosevelt idea of enlarging the powers of the inter-state commerce commission in order that it may supervise the rate-making by the railroads and fix the rate on an equitable basis, this case is an important one.

**History of the Case.**  
Mr. Tomlinson has discussed the situation at length giving the history of it and drawing an argument in favor of the Roosevelt idea. He says:

"On January 1, 1894, the railroads entered at the Union Stock Yards, Chicago, imposed a terminal charge of \$2 per car on live stock delivered thereat, amounting to about \$600,000 annually. All the shippers protested against the charge, but moral suasion proved of no avail with the railroads, and in 1896 the Cattle Raisers' association of Texas and the Chicago Live Stock exchange filed a petition before the inter-state commerce commission, alleging that the \$2 terminal charge was an unjust and unreasonable exaction. After an elaborate hearing of the case the inter-state commerce commission decided that inasmuch as the railroads had been put to an expense for trackage, averaging about \$1 per car, which had then for the first time been imposed, they were justified in charged \$1 per car additional, but that anything more than \$1 was unreasonable and unjust, and they made an order against the railroads, directing them to cease and desist from charging \$2.

**Resort Had to Courts.**  
The railroads paid no attention to the decision of the commission and resort was had to the federal courts to enforce the order.

The case wound its slow way through the courts, first being tried on demurrer and then on its merits; the federal court of appeals was divided on the question at issue. When the case finally got to the supreme court of the United States, that court decided that the commission was entirely correct on the fact, but that, owing to the absence from the record of some evidence which they thought might have a bearing on the issue, the case was remanded to the commission for further investigation.

"The whole case was then reopened by the inter-state commerce commission, and evidence was taken on the point which the supreme court had discovered, and during the past ten days the commission has announced its second decision, sustaining its former findings.

"It will probably be necessary to again proceed through the courts a second time, and four or five years more will be consumed before the shippers of live stock will obtain a decision that will be binding upon the railroads.

"This case will illustrate the delay in trying to get any relief from an unreasonable rate through the courts. Under the most favorable conditions it would not be possible to get a final decision from the courts upon an order of the inter-state commerce commission under four or five years, and the shippers of live stock will obtain a decision that will be binding upon the railroads.

**Court Passes It to Commission.**  
The supreme court has said that a tribunal such as the inter-state commerce commission, possessing special expert knowledge and complete statistical information, is far more competent than any court to decide disputed questions as to railroad rates. Therefore, I contend that after the commission has heard all the evidence on both sides relative to any rate complained of, that such decision as it makes should, in all fairness, be promptly put into effect. It sounds well to say that the railroads are able to pay whatever the courts may finally decide is illegal, and that a bond to do so would protect the shippers, but the actual operation of such a method would be a travesty on justice.

"As it is now, a complainant is compelled to conduct two proceedings, one before the commission and another before the courts, and probably at the end of four or five years he may get a final decision in his favor. The damage suffered in the interim by those directly and indirectly affected cannot be measured in the difference between a wrong rate and the right one, which the complainant or parties paying might finally recover. Communities may have been irreparably injured by being even temporarily deprived of natural advantages to which they are rightly entitled; industries might be ruined, a man driven out of business, and the recovery of the unreasonable excess would then be small solace. Many and, in fact, the majority, of those who are really injured by an unjust, unreasonable or discriminatory rate could not secure even the scanty benefit of a return of the excess over a fair charge. Briefly speaking, the consumers are the real sufferers from unreasonable rates, and they rarely could recover.

**Another Four or Five Years.**  
"It is claimed by many that the city of Denver is discriminated against. Now suppose a case involving such discrimination was tried before the inter-state commerce commission and a favorable decision rendered, which the railroads, as usual, disregarded. This city would be compelled to go into the courts to enforce the order, and probably four or five years would elapse before a final decision. If favorable,

the city of Denver could not recover any damages for the discrimination because she did not pay any freight charges, and probably the citizens of Denver were the only real sufferers.

"Thus it is vitally necessary that if any remedy is to be afforded the public it should be prompt, so that the continuance of any unjust or unreasonable rate may not inflict greater damage. Justice delayed is too often justice denied. The railroads are exceedingly anxious to have all these questions left to the courts, probably because the courts are less qualified to pass upon them than a commission, and likely also because the courts cannot fix rates.

"The inter-state commerce commission, or the government, stands in the relation of an umpire between the complaining shippers and the railroads and when such an umpire decides a case its decision should be put into effect immediately, and should remain in effect until and unless reversed by the courts."

**He Took Out License.**  
The Williams, Arizona, News says: Live Stock Inspector T. F. Holden was also deputy sheriff, the first of the week went out about twelve miles south of Flagstaff and placed H. R. Heckethorn under arrest for unlawfully killing cattle. On Monday Judge Harrington's court at Flagstaff the case was dismissed because of a lack of evidence to convict. Under the law passed by the last legislature it is unlawful for a rancher to kill more than three beef in any one year unless he has a butcher's license. As it is a pretty hard matter to convict a man for killing his own beef it is likely that hereafter, instead of trying to limit the number, the inspector will see that that section of the law demanding that a beef be inspected before it is killed be enforced. The fact of the matter is that the law is not intended to work a hardship on such men as Mr. Heckethorn who kill their own cattle, but is intended for the fellow who kills those of his neighbor. Hence it were better to make arrests for a violation of the inspection clause. We understand that Mr. Heckethorn, not wishing to have further trouble, has made application for a butcher's license.

**Albuquerque Man Ships to California.**  
William Farr, of Albuquerque, shipped 1948 head of cattle from Lordsburg the first of the week to the Imperial valley in California, where he will fatten them for the California market. The principal shippers were Jack, Mansfield and Robson, although many other small owners put in a few steers. H. C. Day drove about 250 head of steers from the Gila to put in on this shipment, but he was not in on the contract, and there were enough without his cattle, so they were not taken, and he had to drive them back to the river.—Lordsburg Liberal.

**Another Lincoln County Sale.**  
It is reported that the El Capitan Land and Cattle company have disposed of their ranch and cattle. The property is said to have been sold to a Fort Worth, Texas, man, the cattle to be taken on the range.—Capitan News.

**Big Sale of Cattle.**  
A large cattle sale was consummated this week whereby the Cretion Cattle company came into possession of the cattle and ranches of R. H. Speed of Gold Hill. Consideration private. At the same time Mr. Speed bought the elegant two-story brick residence of J. C. Cretion in this city and has already moved his family in from Gold Hill and is occupying same. Mr. Speed's son who has been attending school in Deming has joined the city schools. The cattle outfit of Mr. Speed was one of the large outfits of the county. The Cretion Cattle company is composed of the Cretion Brothers, John C., James and Richard, and by their recent acquisition, became one of the important factors in the cattle business in the southwest.—Silver City Enterprise.

**New Mexico Horses to Georgia.**  
Messrs. Gray and Kratzer reached Capitan this week with their horses from the Three Rivers country—about one hundred and twenty-five in number—and cut out what they wished to ship and left yesterday for the Carrizozo shipping pens. They will ship to Georgia.—Capitan News.

**WHAT CAUSES DANDRUFF.**  
Greatest European Authority on Skin Diseases, Says It's a Germ.  
The old idea that dandruff is scales of skin thrown off, through a feverish condition of the scalp is exploded. Prof. Unna, Hamburg, Germany, European authority on skin diseases says dandruff is a germ disease. The germ burrows under the scalp, throwing out little scales of cuticle, and causing the itching of the hair at the root. The only hair preparation that kills the dandruff germ is Newbro's Herpicide. "Destroy the cause, you remove the effect." Not only cures dandruff, but stops falling hair and permits a luxuriant growth. Delightful hair dressing. Sold by leading druggists. Send 10c in stamps for sample to The Herpicide Co., Detroit, Mich. B. H. Briggs & Co., special agents.

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**SOME BARGAINS MAY BE FOUND IN SECOND HAND CARPETS AND STOVES. AT 510 NORTH THIRD STREET, THE OLD TURNER HALL.**

**MYSTERY OF FATE OF GRINDELL DEEPENS**

**CAPTAIN RYNNING RETURNS FROM TIBURON WITHOUT FINDING TRACE OF LOST MEN.**

Bisbee, Ariz., Nov. 12.—Captain Rynning, at the head of a searching party sent after the Grindell party, returned to Guaymas yesterday after an absence of a week. The party sailed up the coast from Guaymas and made five landings on Tiburon Island, but could find no trace of the party there. They saw no Indians, but found plenty of fresh signs. They crossed over to the western coast of the main land and trailed inward fifty miles. They found the dead horses and burros of the missing party, but no trace of the men or their bodies. The camping outfit was also found and the old camps of the party were located, but there was no trace of the missing men. Hoffman, the guide, who made his way down the coast after becoming separated from Grindell on June 29 last, took the searchers to the last place he saw the missing men, and the trail was followed until obliterated. Rynning is of the opinion that the men, crazed with thirst, wandered away into some obscure spot and died.

Grindell's brother and his party are still in that section, Rynning and the searchers cut their trail twenty miles inland, going south, and again still farther in, where they say they turned and started back north.

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**Ethel Tucker**

**Stock Company**

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New and Different Specialties Between the Acts Each Night.

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ROOM 10, N. T. ARMIJO BUILDING

**NOTICE**

Owing to the lack of room we will sell all the cigars left in the R. Massey & Co. stock at greatly reduced prices.

The 5-cent size at 8 for 25 cents.

The 10-cent size at 5 for 25 cents.

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BETWEEN  
SECOND AND THIRD STREETS

**The Store of Reliability**

**MFG-HG-LP**

The above letters are not meaningless by any means—but mean a whole lot to every man in the City of Albuquerque. Read the advertisement and learn the meaning.

"The melancholy days have come, the saddest of the year."

When cold, damp days require that men wear warm under and outer garments—or pneumonia furnishes an abundance of business for doctors and undertakers. THE GLOBE STORE carries a large and well selected stock of Men's Furnishings Goods of the Highest Grade at the Lowest Prices, as a few descriptions and prices will prove.

**MEN'S UNDERWEAR**

Union Suits, fleeced, heavy ribbed, knit to fit, all sizes—you will pay \$2.00 and \$2.50 elsewhere. Our regular price, per suit \$1.50

Union Suits, heavy ribbed, closely woven, fine yarn; knit to fit, all sizes—a regular \$3.50 garment. Our regular price, \$2.00

Union Suits, sanitary elastic, heavy worsted, best make and finish; a garment usually sold at so-called "special sales" for \$4.00. Our regular price \$2.50

Union Suits, ribbed, extra fine, silk trimmed, hand finished, an elegant garment—you will pay \$5.00 elsewhere. Our regular price \$4.00

**OTHER QUALITIES AT PROPORTIONATELY LOW PRICES—**

Two-piece Suits, extra heavy hygienic fleeced, something really good, per garment \$1.50

Two-piece Suits, heavy ribbed, four thread, double elastic stitch, per garment \$1.50

Two-piece Suits, fine natural Australian wool, medium weight, best make and finish, shown and advertised by other stores as bargains at \$1.50 per garment. Our regular price, \$1.00

Two-piece Suits, pure lamb's wool fleeced, extra heavy, a bargain at \$1.75 per garment. Our regular price \$1.25

Two-piece Suits, fine ribbed, silk finish, really elegant, advertised by other store as cheap at \$6.50 per suit. Our regular price, per garment \$2.50

**MANY OTHER QUALITIES AT EQUALLY LOW PRICES.**

**MEN'S FLANNEL SHIRTS**

All-Wool Flannels, colors blue and brown, medium weight, full shape and size, pearl buttons, best make and finish—other stores ask \$2.50 for same quality. Our regular price, each, \$2.00

Very Heavy Flannel, full shape and size, none better finished, honest in every particular—you will pay \$2.75 for the same quality at other stores. Our regular price, each, \$2.25

Fine All-Wool Flannel, just the right weight for a dressy overshirt, medium gray in color, elegantly made and finished, priced at other stores as "special at \$2." Our regular price, each, \$2.50

The Very Best, cloth made by Rio Grande Woolen Mills, shirts made by the Hubbs Union Garment Co., everyone guaranteed satisfactory or your money back; each only \$2.75

Light-weight All-Wool Cambric, pure white in color, an elegant shirt for outing wear, made of the best material and in the best manner, usually sold for \$3 and \$3.50 each. Our regular price \$2.50

Light-weight Silk and Wool, fancy stripe, made for comfort, neatness and warmth, a shirt for gentlemen's wear, cheap at \$3.00. Our regular price, each, \$2.25

**IN GLOVES, HANDKERCHIEFS, HOSIERY, SWEATERS AND OTHER ARTICLES OF MEN'S WEAR WE ARE PREPARED TO SUPPLY THE WANTS OF ALL CUSTOMERS—AT PRICES THAT ARE RIGHT, QUALITY CONSIDERED.**

**WHITE SHIRTS**

In Men's Shirts we wish to call attention to our line in white, both negligee and stiff bosom. We have no hesitancy in saying there is nothing to equal it in the city. Prices range from \$1.00 to \$2.00 per garment—coat front if wanted. Our

**ONE DOLLAR WHITE SHIRTS**

cannot be duplicated in Albuquerque for less than \$1.50. We have the exclusive sale for these garments and back the fit, style, and wearing qualities with good, hard cash.

**MEN'S SUSPENDERS**

Genuine Guyot, snap cast-off, medium weight web, best elastic, per pair \$1.25

Cross-back, snap cast-off, russet leather trimmings, extra web, plated buckles, a superior article, per pair \$1.50

Cross-back, snap cast-off, web trimmings, silk web and elastic, plated buckles, an article usually sold at \$1.50. Our regular price, per pair \$1.00

Cross-back, snap cast-off, kid trimmings, pure silk web elastic, gold plated buckles, come in individual boxes, per pair \$2.25

Cross-back, snap cast-off, kid trimmings, pure silk web elastic, solid silver buckles, something fit for a king, per pair \$3.00

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We carry Corlies, Coon & Co. Collars in quarter sizes, the price Two for \$1.00

Neckties—in this department we shine. All the latest styles in shapes and silks. Prices from \$1.00 to \$2.50

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